

[PROPOSED NEW RULE / Suggested placement within Existing LR 4.14, however it may be renumbered]

#### COMPLEX CASES

(a) **Declaration of Complex Case.** Upon the return of an indictment by the grand jury, the attorney for the government shall note on the case summary form whether the case is considered so unusual or complex within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii). If designated complex by the government, at the time of arraignment, the Magistrate Judge shall set the matter for a status conference to be held within ten (10) days before the District Judge to whom the case is assigned, who shall then determine whether the case is complex. If a finding of complex case is made, the court shall set a schedule for discovery and motions. The District Judge shall also consider at such a conference or at any other time so requested by a party or by the court sua sponte whether to adopt procedures to regulate discovery and facilitate trial time. If a case is not designated complex by the government and counsel for the defendant believes that the case should be so designated, defendant's counsel shall so inform the Magistrate Judge at the time of arraignment. At that time, the Magistrate Judge shall set the matter for a status conference within ten (10) days before the District Judge to whom the case is assigned, who shall then determine whether the case is complex. If the finding of complex case is made, the court may enter order(s) concerning discovery and motions as set forth above.

(b) **Duty to Confer.** Within ten (10) days of the date after the District Judge declares a case complex, counsel for the government and for the defendant shall confer in good faith to determine the obligations as to the scope of discovery that must be produced by all parties and the most practicable manner and times to exchange discovery. If the parties cannot agree on the

scope and manner and times of exchange of discovery, the party seeking to enforce its rights shall submit the appropriate motion to regulate or compel discovery and shall state in the motion that it has conferred in good faith with counsel for the opposing party but despite attempts to resolve the issue, the parties could not reach agreement.

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